



COUNCIL CHAMBERS

17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

REDEVELOPMENT AGENCY	COUNCIL MEMBERS
Dennis Kennedy, Chairperson	Dennis Kennedy, Mayor
Steve Tate, Vice-Chairperson	Steve Tate, Mayor Pro Tempore
Larry Carr, Agency Member	Larry Carr, Council Member
Mark Grzan, Agency Member	Mark Grzan, Council Member
Greg Sellers, Agency Member	Greg Sellers, Council Member

WEDNESDAY, AUGUST 24, 2005

AGENDA

JOINT MEETING

REDEVELOPMENT AGENCY REGULAR MEETING

and

CITY COUNCIL SPECIAL MEETING

7:00 P.M.

A Special City Council Meeting Is Called at 7:00 P.M. for the Purpose of Conducting Closed Sessions and City Business.

Dennis Kennedy, Mayor

CALL TO ORDER

(Chairperson/Mayor Kennedy)

ROLL CALL ATTENDANCE

(Agency Secretary/City Clerk Torrez)

DECLARATION OF POSTING OF AGENDA

Per Government Code 54954.2

(Agency Secretary/City Clerk Torrez)

7:00 P.M.

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

RECOGNITIONS

Outstanding High School Athletes
Mayor Kennedy

CITY COUNCIL SUBCOMMITTEE REPORTS

OTHER REPORTS

Financial Policy Committee Quarterly Report
City Treasurer Roorda

PUBLIC COMMENT

NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS AGENDA.

(See notice attached to the end of this agenda.)

**PUBLIC COMMENTS ON ITEMS APPEARING ON THIS AGENDA WILL BE TAKEN AT THE TIME
THE ITEM IS ADDRESSED BY THE COUNCIL. PLEASE COMPLETE A SPEAKER CARD AND
PRESENT IT TO THE CITY CLERK.**

(See notice attached to the end of this agenda.)

**PLEASE SUBMIT WRITTEN CORRESPONDENCE TO THE CITY CLERK/AGENCY SECRETARY. THE
CITY CLERK/AGENCY SECRETARY WILL FORWARD CORRESPONDENCE TO THE CITY
COUNCIL/REDEVELOPMENT AGENCY.**

Redevelopment Agency Action

CONSENT CALENDAR:

ITEM 1 The Consent Calendar may be acted upon with one motion, a second and the vote, by each respective Agency. The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

Time Estimate

Page

Consent Calendar: 1 - 10 Minutes

1. **LOAN PROGRAM FOR RESIDENTIAL DEVELOPMENT CONTROL SYSTEM (RDCS) FOR
THE DOWNTOWN SETASIDE**.....1
Recommended Action(s):
 1. **Approve** the Program Guidelines; and
 2. **Authorize** the Executive Director to do Everything Necessary and Appropriate to Establish and Implement the Program, Including the Preparation and Execution of Loan Documents.

City Council Action

CONSENT CALENDAR:

ITEMS 2-16

	Time Estimate	Page
	Consent Calendar: 1 - 10 Minutes	
2.	<u>INDOOR RECREATION CENTER PROJECT – JULY CONSTRUCTION PROGRESS REPORT</u> <u>Recommended Action(s): Information</u> Only.	3
3.	<u>APPOINTMENT OF COMMUNITY CONVERSATION CONSULTANT</u> <u>Recommended Action(s):</u> 1. <u>Authorize</u> the City Manager to Execute an Agreement with Viewpoint Learning Inc. for Community Conversation Public Engagement Services for a Maximum Cost of \$74,500; Subject to Interim City Attorney Review of the Form of Agreement; and 2. <u>Increase</u> General Fund Appropriations by \$25,000 for other Community Conversation Services and Expenses.	11
4.	<u>APPOINTMENT OF EXECUTIVE SEARCH FIRM FOR CITY ATTORNEY RECRUITMENT</u> <u>Recommended Action(s): Authorize</u> the City Manager to Execute an Agreement with Bob Murray & Associates for City Attorney Recruitment Services for a Maximum Cost of \$24,400; Subject to Interim City Attorney Review of the Form of Agreement.	21
5.	<u>CAPITAL IMPROVEMENT PROGRAM FUNDING FOR REGIONAL SOCCER COMPLEX</u> <u>Recommended Action(s): Receive</u> Recommendation from the Library, Arts, and Culture Commission; and Letter from Chairperson Anderson Stating that the CIP Funds Designated for Assisting Construction of a Regional Soccer Complex at Sobrato High School be reallocated to the Library Project.	35
6.	<u>COMMUNITY PARK IMPROVEMENTS – RESOLUTION SUPPORTING A GRANT FUNDING APPLICATION FOR THE PER CAPITA GRANT PROGRAM UNDER THE STATE CLEAN WATER, CLEAN AIR, SAFE NEIGHBORHOOD PARKS, AND COASTAL PROTECTION ACT OF 2002</u> <u>Recommended Action(s): Adopt</u> the Resolution Approving the Filing of an Application for Local Assistance Funds from the Per Capita Grant Program under the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002.	39
7.	<u>APPROVE WATER METER SOLE SOURCE PURCHASE</u> <u>Recommended Action(s):</u> 1. <u>Approve</u> Purchase of Water Meters, Meter Parts and MXUs (Radio Transmitters) from Invensys Metering Systems; and 2. <u>Approve</u> Purchase Order of \$299,300 to Invensys Metering Systems for the Annual Supply of Water Meters, Meter Parts and MXUs.	43
8.	<u>ACCEPTANCE OF SUBDIVISION IMPROVEMENTS FOR TRACT 9396, COYOTE CREEK ESTATES</u> <u>Recommended Action(s):</u> 1. <u>Adopt</u> Resolution Accepting the Subdivision Improvements Included in Tract 9396, Commonly Known as Coyote Creek Estates; and 2. <u>Direct</u> the City Clerk to File the Notice of Completion with the County Recorder's Office.	49

Time Estimate
Consent Calendar: 1 - 10 Minutes

Page

9.	<u>REIMBURSEMENT FOR PUBLIC IMPROVEMENTS BY COYOTE CREEK ESTATES (TRACT 9396)</u>	55
	<u>Recommended Action(s):</u>	
	1. <u>Approve</u> Appropriation of \$59,066 from Current Year Unappropriated Public Facility/Non-AB 1600 (346) Fund to fund this Reimbursement; and	
	2. <u>Authorize</u> Reimbursement of \$59,066 for Installation of Off-Site Improvements by 5M Development LLC.	
10.	<u>PUBLIC WORKS MAINTENANCE AGREEMENT FOR EMERGENCY PUMP MAINTENANCE AND REPAIRS FOR BOOSTER STATIONS FOR FISCAL YEARS 2005-2006 AND 2006-2007</u>	59
	<u>Recommended Action(s):</u>	
	1. <u>Approve</u> New Maintenance Agreement for Emergency Pump Maintenance and Repairs for Booster Stations; and	
	2. <u>Authorize</u> the City Manager to Execute the Agreement on Behalf of the City.	
11.	<u>ACCEPTANCE OF THE SUPERVISORY CONTROL AND DATA ACQUISITION (SCADA) TELEMETRY REPLACEMENT PROJECT</u>	67
	<u>Recommended Action(s):</u>	
	1. <u>Accept</u> as Complete the SCADA Telemetry Replacement Project (PN 606093) in the Final Amount of \$994,898; and	
	2. <u>Direct</u> the City Clerk to File the Notice of Completion with the County Recorder's Office.	
12.	<u>MEMBERSHIP IN SILICON VALLEY HIGH-SPEED RAIL COALITION</u>	71
	<u>Recommended Action(s):</u>	
	1. <u>Approve</u> the Regional Planning and Transportation Sub-Committee Recommendation that the City of Morgan Hill Join the Silicon Valley High-Speed Rail Coalition; and	
	2. <u>Authorize</u> the Mayor to Support the Silicon Valley High-Speed Rail Coalition.	
13.	<u>APPROVAL OF IMPROVEMENT AGREEMENT FOR LUSAMERICA</u>	75
	<u>Recommended Action(s):</u>	
	1. <u>Approve</u> the Improvement Agreement; and	
	2. <u>Authorize</u> the City Manager to Sign the Agreement on Behalf of the City with Frederico Enterprises I, LLC.	
14.	<u>AWARD MONTEREY ROAD BIKE DETECTION INSTALLATION PROJECT</u>	87
	<u>Recommended Action(s):</u>	
	1. <u>Award</u> Contract to Beltramo Electric, Inc. for the Installation of the Monterey Road Bicycle Detection Project in the Amount of \$36,455; and	
	2. <u>Authorize</u> Expenditure of Construction Contingency Funds, Not to Exceed \$3,645.	
15.	<u>SECOND AMENDMENT TO AGREEMENT WITH THE LAW FIRM OF JORGENSEN, SIEGEL, MCCLURE & FLEGEL, LLP</u>	91
	<u>Recommended Action(s):</u> <u>Authorize</u> the City Manager to Execute a Second Amended Agreement with the Law Firm of Jorgenson, Siegel, McClure and Flegel, LLP.	
16.	<u>LOCAL HAZARD MITIGATION PLAN STRATEGIES</u>	105
	<u>Recommended Action(s):</u> <u>Review</u> the Pre-Disaster Mitigation Strategies for Information Purposes as Required by the Disaster Mitigation Act of 2000 and the Association of Bay Area Governments.	

Redevelopment Agency and City Council Action

CONSENT CALENDAR:

ITEMS 17-19

	Time Estimate	Page
	Consent Calendar: 1 - 10 Minutes	
17.	<u>POLICY REGARDING THE SELECTION OF VICE-CHAIR TO THE REDEVELOPMENT AGENCY</u>	155
	Recommended Action(s): <u>Amend</u> the City Council Policy to Stipulate that the Mayor Pro Tempore, who is Appointed on an Annual Rotation Basis, is also to Serve as Vice-Chair to the Redevelopment Agency.	
18.	<u>APPROVE JOINT REGULAR REDEVELOPMENT AGENCY AND SPECIAL CITY COUNCIL MEETING MINUTES OF JULY 27, 2005</u>	159
19.	<u>APPROVE JOINT SPECIAL AND REGULAR CITY COUNCIL AND SPECIAL REDEVELOPMENT AGENCY MEETING MINUTES OF AUGUST 3, 2005</u>	199

Redevelopment Agency Action (Continued)

CONSENT CALENDAR:

ITEM 20

	Time Estimate	Page
	Consent Calendar: 1 - 10 Minutes	
20.	<u>JULY 2005 REDEVELOPMENT AGENCY FINANCE & INVESTMENT REPORT</u>	229
	Recommended Action(s): <u>Accept</u> and <u>File</u> Report.	

City Council Action (Continued)

CONSENT CALENDAR:

ITEMS 21-22

	Time Estimate	Page
	Consent Calendar: 1 - 10 Minutes	
21.	<u>JULY 2005 CITY FINANCE & INVESTMENT REPORT</u>	239
	Recommended Action(s): <u>Accept</u> and <u>File</u> Report.	
22.	<u>JUNE 2005 FINAL FINANCE & INVESTMENT REPORT</u>	259
	Recommended Action(s): <u>Accept</u> and <u>File</u> Report.	

City Council Action

PUBLIC HEARINGS:

	Time Estimate		Page
23.	15 Minutes	<u>FIRE INSPECTION AND PLAN REVIEW FEES</u>	283
		Public Hearing Opened. Please Limit Your Remarks to 3 Minutes. Public Hearing Closed Council Discussion. Action- <u>Adopt</u> Resolution Revising Fire Inspection and Plan Review Fees.	
24.	5 Minutes	<u>AMENDMENT OF MUNICIPAL CODE REGARDING ADOPTION OF THE 2004 CALIFORNIA ELECTRICAL CODE</u>	297
		Public Hearing Opened. Please Limit Your Remarks to 3 Minutes. Public Hearing Closed Council Discussion. Action- <u>Motion to Waive</u> the Reading in Full of Ordinance. Action- <u>Motion to Introduce</u> Ordinance by Title Only. (Roll Call Vote)	

City Council Action

OTHER BUSINESS:

	Time Estimate		Page
25.	15 Minutes	<u>STATUS REPORT ON MORGAN HILL AQUATIC FOUNDATION</u>	303
		<u>Recommended Action(s): Discuss</u> Relationship between the City and the Morgan Hill Aquatic Foundation.	
26.	5 Minutes	<u>REQUEST TO SCHEDULE A HALF-DAY CITY COUNCIL WORKSHOP</u>	311
		<u>Recommended Action(s): Identify</u> Date to Conduct a Workshop.	

FUTURE COUNCIL-INITIATED AGENDA ITEMS:

Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

Redevelopment Agency Action and City Council Action

CLOSED SESSION:

1.
CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION
Authority: Government Code Sections 54956.9(b) & (c)
Number of Potential Cases: 2

2.

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Authority:	Government Code Section 54956.9(a)
Case Name:	General Lighting Service, Inc. v. Wells Construction Group, et al. [Consolidated Actions]
Case Number:	Santa Clara County Superior Court, Lead Case No. 1-04-CV-025561

3.

CONFERENCE WITH LABOR NEGOTIATOR:

Authority:	Government Code Section 54957.6
Agency Negotiators:	City Manager; Human Resources Director
Employee Organizations:	AFSCME Local 101 Morgan Hill Community Service Officers Association

4.

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Authority:	Government Code 54957
Public Employee Performance Evaluation:	City Manager
Attendees:	City Council, City Manager

OPPORTUNITY FOR PUBLIC COMMENT

ADJOURN TO CLOSED SESSION

RECONVENE

CLOSED SESSION ANNOUNCEMENT

ADJOURNMENT